

503-655-1783

FORM 15-1

# 25  
45-01-01

Practitioner's Docket No. \_\_\_\_\_

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Garvin  
 Application No.: 08/135,046 Group No.: 3201  
 Filed: 10/12/93 Examiner: Crane  
 For: Method and Apparatus for Treatment of Bagged  
 and Organic Materials Appeal No.: \_\_\_\_\_

Box 8  
 U.S. Patent and Trademark Office  
 Washington, D.C. 20231

Interference No. 103, 694

ATTENTION: Office of the Solicitor

NOTICE AND REASONS FOR APPEAL TO U.S. COURT OF APPEALS FOR  
 THE FEDERAL CIRCUIT (EX PARTE) (37 C.F.R. §§ 1.301 AND 1.302)

1. Appellant(s) hereby provide Notice and Reasons for Appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. §§ 141 and 142 from the decision of the Board of Patent Appeals and Interferences dated November 22, 2000

(check and complete the following, if applicable)

and from the decision on the request for reconsideration dated January 30, 2001

NOTE: The time for filing the notice and reason for appeal expires two months from the date of the decision or, if a request for reconsideration was filed, then the time expires at the end of two months after action on the request. 37 C.F.R. § 1.304(a)(1).

NOTE: "The time periods set forth in this section are not subject to the provisions of §§ 1.134, 1.550(c) or 1.645(a) or (b)." 37 C.F.R. § 1.304(a)(2).

<sup>1</sup> Application No. 08/435,144, filed May 5, 1995. Assignors to Ag-Bag Corporation. Accorded benefit of U.S. Application No. 08/135,046, filed October 12, 1993.

## CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

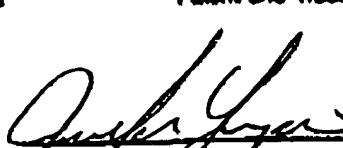
## MAILING

deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231

Date: March 29, 2001

## FACSIMILE

transmitted by facsimile to the Patent and Trademark Office

  
 Signature  
 Jennifer Yruegas

(type or print name of person certifying)

(Notice and Reasons of Appeal to the C.A.F.C. [15-1]—page 1 of 5)

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The appellants in this appeal are:

Ronald V. Garvin  
Larry R. Inman  
Arthur P. Schuette

NOTE: "Patent applicants should designate as appellants all named inventors in any notice of appeal to the U.S. Court of Appeals for the Federal Circuit when appealing a decision of the Board of Patent Appeals and Interferences." Notice of December 14, 1989 (1110 O.G. 20).

3. Appellant(s) reasons for appeal are as follows:

NOTE: See Federal Circuit Rule 10 and 37 C.F.R. § 1.902.

(use Supplemental page(s), if necessary)

The Board erred in considering the issue of abandonment, suppression and concealment argued by Cullen.

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MARCH 30 2001  
U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT  
BOARD OF PATENT APPEALS AND INTERFERENCES

(Notice and Reasons of Appeal to the C.A.F.C. [18-1]—page 2 of 3)

6471-1021 FORM 16-1

FORM 16-1

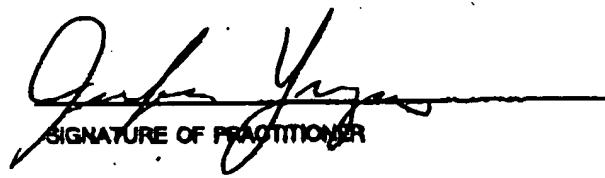
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BOARD OF PATENT APPEALS  
AND INTERFERENCES

4. For the foregoing reasons, it is respectfully submitted that the Board of Patent Appeals and Interferences' decision dated November 22, 2000 and (if applicable) their decision on Request for Reconsideration dated January 30, 2001 is erroneous and should be reversed.

5. Simultaneously herewith, a copy of this notice of appeal, and any reasons of appeal, together with the fee prescribed by Rule 17 of the rules of the Federal Circuit are being transmitted to the clerk of the Federal Circuit in accordance with Federal Circuit Rule 10(c)(3) and with 37 C.F.R. § 1.301.



SIGNATURE OF PRACTITIONER

Reg. No. 47200

Jennifer Yruegas for Robert L. Harrington

type or print name of practitioner

Tel. No. ( 503 ) 796 - 3735

1211 S. W. 5th, Suite 1920

P.O. Address

Customer No.:

Portland, Oregon 97204

 Plus \_\_\_\_\_ added page(s)

26  
45-01-LC

Practitioner's Docket No. \_\_\_\_\_

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Garvin  
 Application No.: 08 / 135,046 Group No.: 3201  
 Filed: 10/12/93 Examiner: Crane  
 For: Method and Apparatus for Treatment  
 of Bagged and Organic Materials

Box 8  
 U.S. Patent and Trademark Office  
 Washington D.C. 20231

Interference No. 103,604

ATTENTION: Office of the Solicitor

NOTICE OF APPEAL TO THE U.S. COURT OF APPEALS FOR THE  
FEDERAL CIRCUIT (EX PARTE) (37 C.F.R. §§ 1.301 AND 1.302)

1. Appellant(s) hereby provide Notice of Appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. §§ 141 and 142 from the decision of the Board of Patent Appeals and Interferences dated November 22, 2000.

(check and complete the following, if applicable)

and from the decision on the request for reconsideration dated January 30, 2001

NOTE: The time for filing the notice and reason for appeal expires two months from the date of the decision or, if a request for reconsideration was filed, then the time expires at the end of two months after action on the request. 37 C.F.R. § 1.304(a)(1).

NOTE: The time periods set forth in this section are not subject to the provisions of §§ 1.136, 1.550(c) or 1.645(a) or (b). 37 C.F.R. § 1.304(a)(2).

<sup>1</sup> Application No. 08/435,144, filed May 5, 1995. Assignors to Ag-Bag Corporation. Accorded benefit of U.S. Application No. 08/135,046, filed October 12, 1993.

## CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.5(a))

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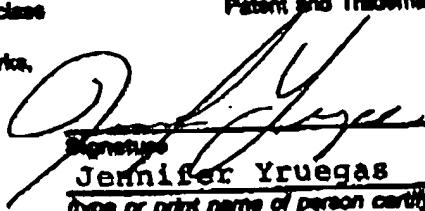
## MAILING

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Date: March 29, 2001

## FACSIMILE

transmitted by facsimile to the Patent and Trademark Office

  
Jennifer Yruegas

(Type or print name of person certifying)

(Notice of Appeal to the C.A.P.C. [18-1.1]—page 1 of 2)

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BOARD OF PATENT APPEALS  
AND INTERFERENCES

(03-17) - 477 P-400

FORM 15-2

15-17

Practitioner's Docket No. \_\_\_\_\_

Date: March 29, 2001

Clerk

United States Court of Appeals for the Federal Circuit  
717 Madison Place, N.W.  
Washington, D.C. 20439

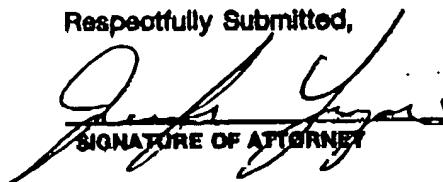
Interference No. 103,604

Re: Transmittal of Notice and Reasons (if any) of Appeal  
from U.S. P.T.O. Appeal No. \_\_\_\_\_

In accordance with FRAP Rule 15(a)(1), Appellant simultaneously transmits herewith three copies of the Notice and Reasons (if any) of Appeal for the matter identified therein, the original of which is being filed today with the Commissioner of Patents and Trademarks.

Also attached is a check for \$100.00 in payment of the fee for appeal required by Federal Circuit Rule 52(a)(1).

Respectfully Submitted,



SIGNATURE OF ATTORNEY

Reg. No. 47200

Jennifer Yruegas for Robert L. Harrington

(type or print name of attorney)

Tel. No. (503) 796 - 3735

1211 S. W. 5th, Suite 1920

P.O. Address

Customer No.:

Portland, Oregon 97204

NOTE: Three copies of the notice must be submitted. CAFC Rule 15(a)(1).

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